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UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerald P. Sullivan
Serial No.: 09/624,732
Filed: July 25, 2000
Art Unit: 3625
Examiner: James H. Zurita
Title: APPARATUS AND METHOD FOR CREATING AND
MANAGING A FINANCIAL INSTRUMENT

October 8, 2004

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT

In response to the Office Action dated January 2, 2004 and supplementing the Amendment filed July 2, 2004, Applicant submits this Supplemental Amendment.

Remarks

In the Amendment dated June 26, 2003, Applicant asserts that the SEC Filing is not a printed publication as defined by 35 USC §102(b) and, thus, is not available to be used as a reference in any 35 USC §102 or 103 rejection of Applicant's invention. Applicant discusses at length his position at pages 12-19 of his June 26, 2003 Amendment. In brief summary, Applicant relies upon *In re Cronyn*, 13 USPQ2d 1070 (Fed. Cir. 1989), wherein the Federal Circuit clearly held that a printed publication required that the interested public be able to access a relevant document and distinguish it from among other relevant documents. In the context of the SEC's database, EDGAR, it is not sufficient to merely download and store the SEC document in EDGAR. Rather it is necessary that the interested public be able to locate the relevant document and distinguish it from other, irrelevant documents. As discussed in *Cronyn*, the burden is on the Examiner to show that the EDGAR database is searchable and